

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANYELL THOMAS, RASHAUN F. FRAZER, :  
ANDRAE WHALEY, ELENI MIGLIS, CHERYL :  
A. STRYCHARZ, and DANIELLE BROWN :  
individually and on behalf of all other employees  
similarly situated

Plaintiffs

v.

Civil Action No. 16-cv-8160

BED BATH AND BEYOND, INC.

Defendant.

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:  
**DECLARATION OF KEITH HAACK**

I, Keith Haack, based on my personal knowledge of the facts stated herein, testify by  
Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge and the stores in which I have experience as a Store Manager.
4. I have worked at Bed Bath and Beyond Inc. (“BBB”) continuously since 2008. Since 2015, I have been the Store Manager of Store 467 in Brooklyn, New York, which is where I currently work.

5. Bryan LaForest (“LaForest”) was employed as an Assistant Store Manager in Store 467 in Brooklyn during a period of time in which I was the Store Manager. LaForest was already employed as an Assistant Store Manager when I became Store Manager.

6. In my experience, Assistant Store Managers are important members of management. They are the leaders of the store, in charge of assisting the Store Manager with running the store, and are responsible for training and developing the associates. When a Store Manager is not at the store, the Assistant Store Manager is in charge of the entire store. When associates are not performing as they should, Assistant Store Managers counsel the associates and discipline them as necessary. Assistant Store Managers also assist the Store Manager with interviewing and hiring store associates.

7. LaForest assisted me in interviewing, hiring, disciplining, and terminating associates. When the Store was hiring, LaForest would review applications and perform the first round of interviews. LaForest’s recommendations with respect to hiring Store associates were given significant weight. LaForest would also discipline associates when warranted, and assisted in terminating them if necessary.


8. LaForest understood what his job duties as an Assistant Store Manager required, but his performance as an Assistant Store Manager was often poor.

9. For example, LaForest was in charge of payroll in Store 467, but LaForest frequently had issues carrying out this important responsibility.

10. Ultimately, LaForest was terminated and arrested for stealing from the Company. An investigation revealed that LaForest was taking store credit from customers and purchasing new merchandise with the store credit. As a result of this incident, LaForest was also banned from re-entering the store.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31 day of July, 2017.

By:   
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Keith Haack  
Store Manager  
Bed Bath and Beyond Inc.